

House File 2420 - Reprinted

HOUSE FILE 2420

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 376)

(As Amended and Passed by the House March 3, 2016)

A BILL FOR

1 An Act relating to untested sexual abuse evidence collection
2 kits stored at law enforcement agencies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. SEXUAL ABUSE EVIDENCE COLLECTION KIT —
2 INVENTORY.

3 1. As used in this section, unless the context otherwise
4 requires:

5 a. "Laboratory" means the state criminalistics laboratory
6 or similar qualified laboratory.

7 b. "Law enforcement agency" means any governmental agency
8 that investigates persons suspected of or charged with a
9 sex abuse crime. "Law enforcement agency" also includes
10 any governmental agency that collects, stores, processes,
11 transmits, or disseminates analysis of evidence collected in
12 connection with a sexual abuse related crime.

13 c. "Forensic medical examination" means a sexual abuse
14 examination by a health care provider for the purpose of
15 gathering and preserving evidence of sexual abuse.

16 d. "Sexual abuse evidence collection kit" means a sexual
17 abuse evidence collection kit that includes a human biological
18 specimen collected by a health care provider during a forensic
19 medical examination conducted pursuant to section 709.10,
20 subsection 1.

21 e. "Untested sexual abuse evidence collection kit" means
22 a sexual abuse evidence collection kit collected pursuant to
23 section 709.10 that has not been submitted to a laboratory for
24 either a serology or deoxyribonucleic acid test.

25 2. The department of justice shall conduct a survey of law
26 enforcement agencies charged with the maintenance, storage,
27 or preservation of untested sexual abuse evidence collection
28 kits. The survey shall contain the following requirements or
29 questions:

30 a. Does your agency presently store untested sexual abuse
31 evidence collection kits?

32 b. Where does your agency store untested sexual abuse
33 evidence collection kits?

34 c. Please inventory all untested sexual abuse evidence
35 collection kits, and identify any of the following that apply:

- 1 (1) The unique identifier for the kit.
- 2 (2) The date the crime occurred.
- 3 (3) The date of examination and forensic collection.
- 4 (4) The reason for not submitting the kit to the laboratory
- 5 for analysis:
 - 6 (a) The suspect has not been identified.
 - 7 (b) The existence of doubt about the truthfulness of the
 - 8 victim's accusation.
 - 9 (c) The case has been dismissed.
 - 10 (d) The uncertainty about the usefulness of the forensic
 - 11 evidence in the untested sexual abuse evidence collection kit.
 - 12 (e) The suspect has been identified but not formally
 - 13 charged.
 - 14 (f) Insufficient funds for testing the sexual abuse
 - 15 evidence collection kit.
 - 16 (g) The victim did not file charges.
 - 17 (h) Whether consent was an issue in the case.
 - 18 (i) Perceived laboratory guidelines.
 - 19 (j) Other reasons.
- 20 (5) (a) Whether a conviction was obtained for any crime
- 21 associated with the untested sexual abuse evidence collection
- 22 kit.
 - 23 (b) If such a conviction was obtained please provide
 - 24 the defendant's name, case number, and the county where the
 - 25 conviction occurred.
- 26 d. (1) In the inventory of your agency, how many untested
- 27 sexual abuse evidence collection kits contain collected
- 28 forensic evidence that have not been sent to a laboratory?
- 29 (2) In the inventory of your agency, how many untested
- 30 sexual abuse evidence collection kits are held for which the
- 31 crime was not reported to law enforcement, but the kit was
- 32 still delivered to your law enforcement agency for storage?
- 33 e. Under what circumstances is an untested sexual abuse
- 34 evidence collection kit destroyed or disposed of by the agency?
- 35 2A. If information was obtained under subsection 2,

1 paragraph "c", subparagraph (5), that a conviction was obtained
2 for any crime associated with an untested sexual abuse evidence
3 collection kit, the attorney general shall provide the office
4 of the state public defender with the defendant's name, case
5 number, and the county where the conviction occurred, within
6 sixty days of receiving such information.

7 3. The law enforcement agency shall submit the answers to
8 the survey to the department of justice by January 1, 2017.
9 If a law enforcement agency does not possess any untested
10 sexual abuse evidence collection kits, the agency shall provide
11 written confirmation of such a fact to the department of
12 justice by January 1, 2017.

13 4. a. The department of justice shall compile the results
14 of the survey and submit a written report to the general
15 assembly no later than March 15, 2017, detailing the results
16 of the survey.

17 b. The report shall also include the name and contact
18 information of each law enforcement agency that failed to
19 submit answers to the survey as required by subsection 3.

20 5. The department of justice shall compile and submit
21 a report to the office of the state public defender, not
22 later than March 15, 2017, that provides the date an untested
23 sexual abuse evidence collection kit was collected, where the
24 collection occurred, and the case number, if any, associated
25 with the untested sexual abuse evidence collection kit.

26 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
27 3, shall not apply to this Act.